

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:13 CR 105
-vs-)
) MOTION FOR ENLARGEMENT
TIMOTHY DEFOGGI,) OF TIME TO FILE SPEEDY TRIAL
) WAIVER
Defendant.)
)

COMES NOW Timothy DeFoggi, through his attorney, James Martin Davis, and moves the Court for an order giving him additional time to file his Speedy Trial Waiver on the following grounds, to wit:

1. The Defendant is currently incarcerated in Wahoo, Nebraska in the Saunders County Jail;
2. On Monday, November 11, 2013 Counsel personally delivered the Speedy Trial Waiver to the Defendant. However, since it was a holiday, there were no notaries public available to notarize his signature;
3. Counsel advised the Defendant to sign it, have it notarized and send it forthwith back to Counsel to be filed;
4. On Friday, November 15, 2013 Counsel telephoned the Saunders County Jail and was advised by a corrections officer that the Defendant had mailed the waiver;
5. However, on Friday, November 15, 2013 as of 1:00 p.m., Counsel has not yet received the Speedy Trial Waiver;

6. If Counsel receives this waiver with the 2 p.m. mail, it will be filed forthwith. However, if it is not received, Counsel will need additional time to file it once it is received.

WHEREFORE, the Defendant prays the Court for an order enlarging the time in which to file his Speedy Trial Waiver.

TIMOTHY DEFOGGI, Defendant.

s/James Martin Davis #10927
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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2013, I electronically filed the foregoing with the Clerk of District Court using the CM/ECF system, which will send notification of such filing to the following:

Michael P. Norris
Assistant United States Attorney
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S/JAMES MARTIN DAVIS